

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Orlando HARE,

Plaintiff,

v.

Ryan WOODHEAD, et al.,

Defendants.

Civ. No. 08-5894

MEMORANDUM ORDER

THOMPSON, U.S.D.J.

This matter having come before the Court on Defendant Police Officer Roberto Reyes' Motion to Enforce the Settlement [docket # 136]; and Plaintiff Orlando Hare having opposed the Motion and having filed a Cross-Motion for Non-Enforcement of the Proposed Settlement as to State Claims [139]; and the Court having reviewed the submissions of the parties and having heard oral argument on September 19, 2012; and the Court noting that because motions for the enforcement of settlement agreements resemble motions for summary judgment, the Court must employ a similar standard of review, *see Tiernan v. Devoe*, 923 F.2d 1024, 1031-32 (3d Cir. 1991); and the Court further noting that accordingly, it must treat all the non-movant's assertions as true, and "when these assertions conflict with those of the movant, the former must receive the benefit of the doubt[.]" *id.* at 1032 (internal quotation and citation omitted); and it appearing that there is a genuine dispute of material fact as to whether Plaintiff agreed to release all conceivable claims as to all conceivable parties relating to his stop and arrest on February 1, 2007; and for good cause shown;

IT IS on this 19th day of September, 2012,

ORDERED that Defendant Police Officer Roberto Reyes' Motion to Enforce the Settlement [docket # 136] will be DENIED; and it is

ORDERED that Plaintiff's Cross-Motion for Non-Enforcement of the Proposed Settlement as to State Claims [139] will be GRANTED; and it is

ORDERED that this case be set down for trial.

/s/ Anne E. Thompson  
ANNE E. THOMPSON, U.S.D.J.